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May 13, 2019

Honorable James Gallagher
California State Assembly
State Capitol, Suite 3147
Sacramento CA 94249

RE: OPPOSITION TO AB 430 & Request to remove City of Chico from the bill

Dear Assemblymember Gallagher:

As you are aware, the City Council of the City of Chico held a special meeting on Friday, May 10th, 2019, to consider the current version of AB 430, as amended April 30, 2019. On behalf of the City of Chico, I write to inform you that the City Council took formal action to request that the City of Chico be removed from the framework of ministerial review of housing projects described in AB 430. (Motion passed 4-1-2).

As you articulated at the meeting, the intent behind the bill is to streamline development of housing post-Camp Fire in Butte and Glenn Counties – specifically in the cities of Oroville, Orland, Gridley, Biggs, and Chico -- by allowing ministerial approval of housing and thereby avoid CEQA review. As stated by various Councilmembers, the City of Chico is not in support of such bill in its present form because of the loss of CEQA review, the loss of local control, and the loss of ability of the public to comment on housing development.

On behalf of the City of Chico, thank you for your support of our community and the work you have put into the post-Camp Fire relief efforts. The City of Chico however does not believe the efforts of AB 430 are appropriate for our city.

We look forward to continuing working with you on efforts which are mutually beneficial.

Very truly yours,

Randall Stone, MPA
Mayor

Assembly Bill 430: Myth vs Fact
Camp Fire Housing Assistance Act

MYTH: AB 430 takes away local control.

FACT: Any housing project benefitting from AB 430 must still abide by the city zoning regulations, design standards and general plan. It has to be an area that locals have already approved for residential development. Additionally, Asm. Gallagher is working with legislative colleagues to potentially remove provisions that require ministerial approval at the local level and thereby provide full conditional use authority.

MYTH: AB 430 is a thinly veiled attempt to circumvent CEQA.

FACT: There is no veil – Asm. Gallagher is very openly seeking a CEQA exemption for vital housing projects in our region. CEQA is constantly abused by special interests and NIMBYs to stop or slow down housing projects. Project opponents hire attorneys that abuse CEQA by exploiting technicalities that have no real environmental impacts.

MYTH: AB 430 does nothing to address affordable housing.

FACT: Affordability is brought about by removing regulatory barriers and increasing housing supply. AB 430 addresses both of these issues. Increased supply lowers prices and rents. That is an economic fact. In addition to AB 430, Asm. Gallagher is also requesting millions of dollars in affordable housing tax credits dedicated to the Camp Fire region.

MYTH: AB 430 will put further stress on local infrastructure and increase traffic.

FACT: Cities can require housing developers to pay development impact fees. Cities can also force developers to make infrastructure improvements to roads, drainage, sewer, etc. AB 430 does not change this at all. Planning for infrastructure and what will be needed for future development is a prudent thing to do, and locals can and should do just that. This is completely in their control.

MYTH: AB 430 will exacerbate climate change.

FACT: AB 430 requires developments to achieve LEED gold certification or the comparable rating under the GreenPoint rating system or voluntary tier under the CA Green Building Code.

MYTH: AB 430 will allow developers to build without restriction.

FACT: The bill disqualifies projects that have detrimental environmental impacts by excluding projects that are located in floodplains and floodways, protected farmland, and lands identified for conservation. AB 430 also disqualifies areas that are protected by the federal Endangered Species Act, the California Endangered Species Act, and the Native Plant Protection Act. Additionally, sites are limited to no more than 50 acres with a required minimum density of at least four units per acre.

MYTH: AB 430 will encourage urban sprawl.

FACT: AB 430 requires that the development be located within the territorial boundaries or specialized residential planning areas identified in the general plan of the following cities: Biggs, Chico, Gridley, Orland, or Oroville.

MYTH: AB 430 will only benefit homebuyers from the Bay Area.

FACT: All 57 homes in the new Oroville Olive Grove subdivision have already been sold and 75% of the buyers are Camp Fire victims. According to new population figures from the Dept. of Finance, upwards of 20,000 wildfire victims are now living in Chico, and more than 3,500 are residing in Oroville. They need housing.

MYTH: AB 430 threatens Chico's Greenline.

FACT: There is specific language in the bill to protect the Greenline. No projects proposed outside the Greenline would qualify under AB 430.

MYTH: AB 430 is being jammed through the legislative process without stakeholder input.

FACT: Legislation is always a work in progress. Asm. Gallagher's office solicited feedback from all local governments and a broad group of stakeholders more than a month before the first committee vote. The bill has already been amended three times to address concerns from Butte County, the Sierra Club and others. Asm. Gallagher is willing to address concerns as much as possible without defeating the central purpose of the legislation.

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